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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,736	07/19/2000	Reza Mirkhani	99RSS476NAD	2617

36122 7590 03/31/2003

DUFT SETTER OLLILA & BORNSSEN LLC
2060 BROADWAY
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BOULDER, CO 80302

EXAMINER

PARK, ILWOO

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/31/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/619,736

Applicant(s)

MIRKHANI ET AL.

Examiner

Ilwoo Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5, 10, 11, 15, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sober, US patent No. 6,028,515.

As to claim 1, Sober teaches a link layer controller [fig. 3 and col. 4, lines 41-50] comprising:

a network layer interface [col. 5, lines 60-67] configured to exchange packets with a network layer system and transfer a status signal to the network layer system;

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a physical layer interface [col. 6, lines 1-11] configured to exchange the packets with a physical layer system; and

a memory controller [figs. 3 and 5] configured to exchange the packets with the network layer interface exchange the packets with a memory [col. 6, lines 38-44], exchange the packets with the physical layer interface, and generate the status signal [col. 8, line 62-col. 9, line 28] to indicate available space in the memory.

4. As to claim 2, Sober teaches the memory controller includes a plurality of transmit buffers [fig. 5] and wherein the status signal indicates the available space in each of the transmit buffers [col. 8, lines 45-51].

5. As to claim 3, Sober teaches the memory controller is configured to control a size of each of the transmit buffers in response to external instructions [col. 8, lines 45-51; col. 9, lines 15-21].

6. As to claims 5 and 15, Sober teaches the network layer interface [MTP-L3 interface bus driver 12 in fig. 3] is configured to use a packet exchange bus to exchange the packets with the network layer system and to transfer the status signal to the network layer system [col. 9, lines 4-10].

7. As to claims 10 and 20, Sober teaches the network layer interface [MTP-L3 interface bus driver 12 in fig. 3] is configured to use a packet exchange bus to exchange stop transfer signals with the network layer system [col. 9, lines 4-10].

8. As to claim 11, Sober teaches a method of operating a communications device [fig. 3; col. 4, lines 41-50; col. 5, line 60-col. 6, line 11], the method comprising:

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transferring packets between a network layer system and a link layer system;
transferring packets between the link layer system and a physical layer system;
transferring packets between the physical layer system and a communication path;
generating a status signal [col. 8, line 62-col. 9, line 28] in the link layer system indicating available space in link layer memory;
transferring the status signal from the link layer system to the network layer system; and
processing the status signal in the network layer system to control the exchange of the packets between the network layer system and the link layer system.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sover as applied to claims 3 and 11 above, and further in view of Fluss, US patent No. 6,304,578.

As to claims 4 and 14, Fluss teaches a memory controller having a plurality of transmit buffers for exchanging packets with a network layer and exchanging packets with a physical layer; and Fluss further teaches each of the transmit buffers corresponds to a transmit channel [col. 4,

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lines 63-64] and the memory controller is configured to provide transmit priority to one of the transmit channels with transmit buffer occupancy exceeding a threshold [col. 7, lines 4-8].

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Sover and Fluss because they both teach a memory controller having a memory for exchanging packets with a network layer and exchanging packets with a physical layer and the Fluss' teaching of each of the transmit buffers corresponding to a transmit channel and the memory controller configured to provide transmit priority to one of the transmit channels with transmit buffer occupancy exceeding a threshold would increase flexibility of buffer management and flow of data transfer between the network layer and the physical layer [Sober: col. 6, lines 34-37; col. 9, lines 15-21].

11. Claims 6-9 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sover as applied to claim 5 above, and further in view of Dolkas et al., US patent No. 5,007,051.

As to claims 6 and 16, Dolkas et al teach a packet exchange bus to exchange a status including parity information with a network layer system [register 103 in figs. 3 and 4; col. 8, lines 25-38; col. 10, lines 13-15; col. 12, lines 66-68].

As to claims 7 and 17, Dolkas et al teach a packet exchange bus to exchange a status including data validity information [col. 10, line 67-col. 11, line 2].

Therefore, it would have been obvious to one of ordinary skill in the art to include the teachings of Dolkas et al because they both teach a packet exchange bus for exchanging packets and a status and the Dolkas et al's teaching of the packet exchange bus including parity

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information and data validity information would increase flexibility reliability of packet transfer of Sover.

As to claims 8 and 18, Dolkas et al teach a packet exchange bus to exchange a status including start of packet information and end of packet information [col. 1, lines 49-52].

As to claims 9 and 19, Dolkas et al teach a packet exchange bus to exchange a status including a synchronization signal [col. 1, lines 49-52].

Therefore, it would have been obvious to one of ordinary skill in the art to include the teachings of Dolkas et al because they both teach a packet exchange bus for exchanging packets and a status and the Dolkas et al's teaching of the packet exchange bus including start of packet information, end of packet information parity information, and/or a synchronization signal would increase flexibility in processing a packet.

12. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sover as applied to claim 11 above, and further in view of Smith, US patent No. 6,449,281.

As to claims 12 and 13, Sover teaches a flow control in response to the status signal of the memory indicating available space memory for packets. However, Sover does not explicitly disclose the flow control prevents over-run or under-run.

Smith teaches a flow control in response to the status signal of a memory indicating available space memory for packets prevents over-run or under-run [col. 6, lines 3-8; col. 6, lines 38-40].

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Therefore, it would have been obvious to one of ordinary skill in the art to include the teachings of Smith because they both teach a flow control in response to the status signal of the memory indicating available space memory for packets and the Smith's teaching of the flow control prevents over-run or under-run would increase efficiency of transferring packets [col. 9, lines 15-21].

Conclusion

13. Any inquiry concerning this communication should be directed to Ilwoo Park, whose telephone number is (703) 308-7811 or via e-mail, *ilwoo.park@uspto.gov*. The Examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jeffrey A. Gaffin, can be reached at (703) 308-3301.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry),

(703) 746-7238 (for after-final communications),

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or:

(703) 746-7240 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., 4th Floor (Receptionist)


Ilwoo Park

March 5, 2003